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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,826	10/05/2001	Takashi Nishikado	520.4011X00	8151

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/890,826	Applicant(s) NISHIKADO ET AL.	
	Examiner Joseph E. Avellino <i>JA</i>	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/28/05</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1, 3, 9, and 10 are pending in this application. The Office acknowledges the cancellation of claims 2, 4-8, and 11.

1. The Examiner has considered Applicant's request for withdrawal of finality of the previous Office Action. Applicant's argument is persuasive. Therefore the finality of the previous Office action dated August 22, 2005 has been hereby withdrawn.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Information Disclosure Statement***

2. Applicant questions whether the Yahagihara reference was considered or not, since the reference was both initialed and crossed through. In view of these arguments, the reference has been considered.

### **Claim Rejections - 35 USC § 103**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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2. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logue et al. (U.S. Patent Number 5,935,207), hereinafter referenced to as 'Logue' in view of Cao et al (Active Cache: Caching Dynamic Contents on the Web, Proc. Of Middleware 98', Britain, September 15 1998, pp. 373-388) hereinafter 'Cao', and further in view of further in view of Shrader (U.S. Patent Number 6,272,531 B1).

Regarding claims 1 and 10, Logue taught a communication a communication proxy apparatus comprising an access request agent means, wherein; said access request agent means, which is placed on between a server device and client communication path devices; receives an access request an access to information data held in the server device from the client device other communication proxy apparatuses; (fig. 10 [1010], column 10 lines 58-65) issues the access request, as an agent, to the server device or still another communication proxy apparatus (fig. 10 [1030], column 10 lines 58-65 and column 11-lines 1-27); obtains the requested information data (fig. 10 [1040]); and returns the obtained data (fig. 10 [1050]) (also see column 11 lines 1-27); and processing specific information data at the communication proxy apparatus as an agent (column 5 lines 42-49 and column 10 lines 47-57 [describing a dispatcher executing actions on behalf of the client]). Logue also taught specific details regarding the instant invention in column 2 lines 19-46.

Logue did not expressly teach receiving attribute information of the information data.

Cao taught receiving attribute information of the information data related to an information request (Cao: page 2, paragraph 2).

It would have been obvious to one of ordinary skill in the art working with Logue at the time of the invention to modify Logue with the teachings of Cao, motivated by Logue to explore of the art of obtaining the requested information data (fig. 10 [1040]) from the server device or still another communication proxy apparatus (fig. 10 [1030], column 10 lines 58-65 and column 11-lines 1-27), in order to receive attribute information related to the information data (Cao: page 2, paragraph 2) in addition to the information data received from the server device or still another communication proxy apparatus (taught by Logue fig. 10 [1030], column 10 lines 58-65 and column 11-lines 1-27); improving Logue by adding the functionality of cached applets that act on the data requested by the client dynamically (Cao: page 2, paragraph 2).

Logue modified by Cao did not expressly teach further regarding the individual action control means and an individual action instruction means.

Shrader taught a communication apparatus having an individual action control means (Shrader: fig. 1[13] and column 2 lines 47-59) comprising: and individual action storage means (Shrader: column 5 lines 3-14) for holding individual action definition information indicating a relationship between the information data and action information that indicates an action to be executed (Shrader: figs. 2-3, column 4 lines 52-59 and column 5 lines 35-56) for the specific information data processed by the communication

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proxy apparatus as an agent (column 11 lines 48-51[this particular limitation was also taught by Logue in column 5 lines 42-49 and column 10 lines 47-57]), and that indicates execution conditions of the action (fig. 3 and column 5 lines 35-56);

an individual action instruction means for registering individual action definition  
individual action storage means (Shrader: column 2 lines 11-42 and figs. 6, 9 and 10);  
and an individual action execution means for executing an individual action for the information data, which is the data obtained from the server device based on the individual action definition information under instructed conditions (Shrader: column 5 lines 35-56, column 6 lines 3-25, column 7 lines 56-59 and column 8 lines 14-23).

I would have been obvious to one of ordinary skill in the art working Logue modified by Cao, to further modify Logue modified by Cao, motivated by Logue modified by Cao to explore the art of acting upon dynamic data in an intermediary data processing systems as taught by Logue modified by Cao (Logue: fig. 10 [1030], column 10 lines 58-65 and column 11-lines 1-27; and Cao: page 2, paragraph 2). Logue modified by Cao would have resulted improved by adding user controlled actions with the teachings of Shrader related to a communication apparatus having an individual action control means (Shrader: fig. 1[13] and column 2 lines 47-59) comprising: and individual action storage means (Shrader: column 5 lines 3-14) for holding individual action definition information indicating a relationship between the information data and action information that indicates an action to be executed (Shrader: figs. 2-3, column 4 lines 52-59 and column 5 lines 35-56) for the specific information data processed by the communication

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proxy apparatus as an agent (column 11 lines 48-51[this particular limitation was also taught by Logue in column 5 lines 42-49 and column 10 lines 47-57]), and that indicates execution conditions of the action (fig. 3 and column 5 lines 35-56);

an individual action instruction means for registering individual action definition  
individual action storage means (Shrader: column 2 lines 11-42 and figs. 6, 9 and 10);  
and an individual action execution means for executing an individual action for the information data, which is the data obtained from the server device based on the individual action definition information under instructed conditions (Shrader: column 5 lines 35-56, column 6 lines 3-25, column 7 lines 56-59 and column 8 lines 14-23).

Logue modified by Cao and further modified by Shrader is hereinafter referenced to as the first combination.

The first combination further taught, in relation to claims 9 and 10, a program load means for loading a processing in the communication proxy apparatus (Shrader: figs. 2-3, column 4 lines 52-59 and column 5 lines 35-56; and Cao: page 2 [note that a cached applet is invoked in Cao and actions (performed by software) are taken in Shrader (e.g. fig. 5)]); a program storage means for storing a loaded program (Shrader: column 2 lines 11-42 and figs. 6, 9 and 10; and cached applets in Cao are inherently stored in storage means); and an action program correlation table that holds relationship between a program entry address and action identification information (Shrader: in fig. 5 defines a series of conditional execution to trigger the actions that is commensurate with the

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correlation table); said program load means comprises: means for receiving an instruction including action identification information and to be loaded, and for program information storing the program information in the program storage means (Shrader: fig. 5 and column 7 lines 19-55).

### **Allowable Subject Matter**

1. Claim 3 is allowed.
2. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since adding claim 9 into claim 1, from which it depends, would render virtually the exact same claim as allowed claim 3. Applicant is requested to cancel claims 1 and 9 and amend claim 10 to depend from claim 3.

The following is a statement of reasons for the indication of allowable subject matter: Claim 3 recites a communication proxy that includes through the indicated dependency the feature of claims 1 and 2; and further combined with an action type classification information for specifying that individual action definition information is registered according to identification information of target information data and explicit instruction of action information, or that the individual action definition information is registered by an individual action tag added to the information data; combined with the limitation that the individual action instruction means comprises a the action type classification means for registering information when individual action definition information each information



data is registered in an action storage means; and tag adding/removing means comprises means for adding an individual action corresponding to the information data before transmitting the information data, when for the information data transmitted from the communication proxy apparatus, identification information of the information data and the individual action individual action definition information explicitly specified by action information is stored in the action storage means. The limitations of claim 3 refer to classifying the action definition information according to action information of the target data or according to individual action tag added to the information; combined with registration means for storing the action classification information; further combined with the manipulation of the individual action tag. The individual action tag control agent transmits from the proxy apparatus the information data as well as the added data received together. The individual action instruction means provides registering the action definitions either by a request by the user, or when the data retrieved from the server includes an action tag for instructing the action information to be executed for the information data, which is then checked by the individual action instruction means. Such limitations, in combination, are not expressly disclosed or suggested by the cited prior art.

### **Response to Arguments**

Applicant's arguments filed on December 21, 2005 have been fully considered but they are not persuasive.

Regarding arguments referencing claims 1, 10 in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It was the combination of the references that taught the limitations as addressed in the first action under 35 U.S.C. 103(a). Furthermore the Office is not using Shrader to teach a communication proxy system. The combination of Logue and Cao teach the limitations with which the Applicant argues Shrader is deficient. Shrader is merely used to teach "a communication apparatus having an individual action control means...and an individual action instruction means" and further would have been obvious to combine with Logue in view of Cao for the reasons specified above. By this rationale, the rejection is maintained.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892 for details.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

If further prosecution on the merits of the instant application is pursued, Applicant is encouraged to further incorporate into the independent claims the details of the instant claimed invention that help to differentiate the invention from the prior art (e.g. further elaborating the details regarding the hierarchical execution means in the independent claims and rewriting claim 3 in independent form as indicated above in reference to the indication of allowable subject matter). Applicant is further encouraged to point out where in the specifications is found the support for any future amendments to the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

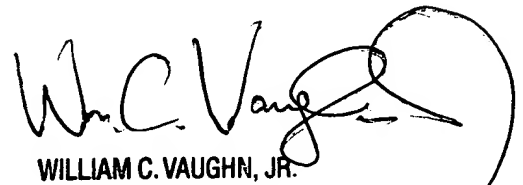
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA  
February 13, 2006



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PRIMARY EXAMINER